

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**SHANNON PRICE, Individually
and on Behalf of All Others
Similarly Situated and On Behalf of
the EATON VANCE PROFIT
SHARING AND SAVINGS PLAN,**

Plaintiffs,

v.

**EATON VANCE
CORPORATION, EATON
VANCE MANAGEMENT,
EATON VANCE INVESTMENT
COMMITTEE, and DOES 1-30,
inclusive.**

Defendants.

Case No: 18-12098-WGY

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION FOR
ATTORNEYS' FEES AND FOR SERVICE AWARD TO PLAINTIFF**

The Plaintiffs submit this Supplemental Memorandum in support of their Motion for an Award of Attorneys' Fees to class counsel and for a Service Award to Plaintiff.

1. On September 24, 2019, the Court entered an order approving the settlement in this case in all respects. The Court's order said, however, that it would enter a separate order on "Class Counsel's application for Attorneys' Fees and Plaintiff's request for a "Service Award." Order at ¶ 15. (Dkt # 57) During the September 24, 2019, hearing for final approval of the settlement, the Court indicated that it would issue that "separate order" upon being advised that the settlement funds had been distributed to class members.

2. As detailed in the attached Declaration from Christopher D. Amundson, Project Manager at Analytics Consulting LLC, which the Court had appointed as Settlement Administrator¹, the settlement funds have been fully distributed to class members pursuant to the Plan of Allocation approved by the Court. Order at ¶ 2. (Incorporating the Settlement Agreement, which in Article V details the Plan of Allocation). Pursuant to that Plan, the settlement amounts due to 2144 class members, who are current participants in the Plan, were deposited in their respective existing Plan accounts; 667 class members, who are former participants in the Plan, received the settlement funds due them directly by check; 87 class members, who are also former participants received the settlement amounts due them by check sent to their "elected Rollover plan." Amundson Dec. at ¶ 4.

¹ May 22, 2019 Order Preliminary Approving Class Action Settlement, at ¶ 7. (Dkt # 45)

3. Accordingly, the condition for the entry of an order awarding attorneys' fees to Class Counsel and Service Award to Plaintiff Shannon Price has been satisfied, and a separate order in that regard should issue in due course.

CONCLUSION

For the reasons stated in Class Counsel's Motion for Attorneys' Fees and for a Service Award, the Court should issue an order awarding Class Counsel \$1,100,000 in fees, \$12,411.79 in litigation costs, and a Service Award of \$5,000 to Plaintiff Shannon Price.

Dated: November 5, 2019

Respectfully submitted,

/s/ Charles Field
Charles Field

*Charles Field
SANFORD HEISLER SHARP, LLP
655 West Broadway, Suite 1700
San Diego, CA 92101
Telephone: (619) 577-4242
Facsimile: (619) 577-4250
cfield@sanfordheisler.com

Andrew Miller (MA Bar # 682496)
*Paul Blankenstein
SANFORD HEISLER SHARP, LLP
700 Pennsylvania Ave. SE, Suite 300
Washington, DC 20009
Telephone: (202) 499-5200
Facsimile: (202) 499-5199
amiller@sanfordheisler.com
pblankenstein@sanfordheisler.com

*David Sanford

*David Tracey

*Meredith Firetog

SANFORD HEISLER SHARP, LLP

1350 Avenue of the Americas, 31st Floor

New York, NY 10019

Phone: (646) 402-5650

Facsimile: (646) 402-5651

dsanford@sanfordheisler.com

dtracey@sanfordheisler.com

mfiretog@sanfordheisler.com

* *Admitted pro hac vice*

*Attorneys for Plaintiff and the Proposed
Class*

CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2019, a true and correct copy of the foregoing was served via the Court's electronic filing system, which all counsel of record registered as District of Massachusetts CM/ECF users will receive via electronic notification.

/s/ Charles Field

Charles Field